IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.1708 of 2000

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BETWEEN:

1 M/s.Gaddam Parthasarathi, S/o. Late G.Ethirajulu,
R/o. Chakravsarthi Chitralaya, D.no. 5/105,
K.P.T.Street, Dharmavaram, Anantapur District.
2 Sri Gorakati Pedda Reddy, S/o. Late G.Peddanna,
Propector Sridevi Picture Palace, D.No.3/185, Thogata
Street, Dharmavaram, Anantapur District.
3 Aregala Salamma, W/o. Late A.Pothanna,
Proprietor Siddartha Picture Palace A/c, Dharmavaram,
Anantapur District.
4 Sri Gudditi Narayanappa, S/o. Late G.Kondappa,
Proprietor Srivaralakshmi Picture Palace A/c, Dharmavaram,
Anantapur District.
5 Aregala Salamma, W/o. Late A.Pothanna,
Proprietor-Srilakshminarayana Picture Palace, D.No.15/253,
Yadava Street, Dharmavaram, Anantapur District.
6 Sri Putluru Venkatanarayana, S/o. late P.Subbaiah Setty,
Proprietor, Sudershana Picture House, D.no. 2/26,
Railway Feder Road, Dhamavaram, Anantapur District.

..... PETITIONERS

AND

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1 Film Division Ministry of Information and Broad Costing
Government of India, Rep. by its Branch Manager,
Kendriya Sadan, Sultanbazar, Hyderabad.

2 The Government of Andhra Pradesh, Rep. by its Principal

Secretary Home Department, Secretariat, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or Writ particularly one in nature of Writ of Mandamus declaring the action of the 1st Respondent for collecting of rentals for the years 4.11.1999 to 1996, 1996-97, 1997-98, 1998-99 onwards from the petition for exhibition of approved films by its Note No. Dt.22.9.99 and the impugned Note Nos. 166/99-2000/HF, dt.2.10.99 and Note No.172/99-2000/HF, dt.2.10.99 is wholly illegal, arbitrary unjust and contrary to law and declaring the same as void abinitio, null and void and *non est* in the eye of Law.

Counsel for the Petitioners: MS.B.MALLESWARI

Counsel for the Respondent No.1: MR.A.RAJASHEKAR REDDY (ASST SOLICITOR GENERAL)

Counsel for the Respondent No.2: G.P. FOR HOME

The Court made the following:

ORDER:

All the petitioners are the owners of Cinema Theatres holding licence under Form-B issued under Rule 11 of the Andhra Pradesh Cinemas (Regulation) Rules, 1955. They have also supplied short films by first respondent on payment basis. It appears that the first respondent issued debit notes to the petitioners debiting certain amounts from the accounts of the petitioners towards supply of approved films from 04.11.1995 to 31.3.1996. These debit notes are assailed in this writ petition.

A Division Bench of this Court of which I was a member, in a batch of cases being Writ Appeal Nos.298 of 2001 and batch dated 21.8.2001, considered this aspect of the matter and held that the liability of the cinema theatres to pay rentals for short films has to be determined on resolution of the dispute as to whether short films had been supplied to them or not. This Court also observed that on the ground that rentals were not paid by the theatres to the Film Division, the State cannot refuse to renew the Cinematograph licence unless conditions precedent for renewal of licence are not satisfied.

It is neither disputed nor denied that the ratio laid down by the Division Bench in an unreported judgment in **Maheswari 70 m.m. Theatre v. Film Division, Ministry of Information and Broadcasting, Hyderabad** (W.A.Nos.298 of 2001 and batch) squarely applies to the facts of this case. Therefore, this Writ Petition is disposed of in terms of the judgment of the Division Bench referred to above. No costs.

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(**V.V.S. RAO, J**)

July 06, 2005

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To

1 The Branch Manager,Films Divisions, Ministry of Information

and Broadcasting, Govt. of India, Kendriya Sadan,

Sultana Bazar, Hyderabad.

2 The Principal Secretary, Home Department,

Government of Andhra Pradesh, Secretariat, Hyderabad.

3 Two CCs to Government Pleader for Home,

High Court Buildings, Hyderabad. (OUT)

4 Two CD copies.